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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,329	04/14/2004	Yeshwanth Narendar	1075-E4371	5396
34456	7590	02/03/2006		
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			EXAMINER MALDONADO, JULIO J	
			ART UNIT 2823	PAPER NUMBER

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/824,329	NARENDAR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julio J. Maldonado	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20051125</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The rejection as set forth in the Office Action mailed in 08/24/2005 is withdrawn in view of the newly found references, Thilderkvist et al. (U.S. 6,277,194 B1) in view of Kumar et al. (U.S. 2003/0198749 A1).
2. The cancellation of claims 3, 12 and 22-53 in the reply filed in 11/25/2005 is acknowledged.
3. Claims 1, 2, 4-11 and 13-21 are pending in the Application.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-9, 13-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thilderkvist et al. (U.S. 6,277,194 B1) in view of Kumar et al. (U.S. 2003/0198749 A1).

In reference to claims 1, 4-7, 13, 14 and 19, Thilderkvist et al. teach a semiconductor processing component comprising silicon carbide (SiC), wherein an outer surface of said component consist of a coated layer of SiC, and wherein said coated layer is treated to reduce the amount of contaminants therein, and wherein said SiC component is a SiC reaction chamber component (column 3, line 41 – column 5, line 11).

Thilderkvist et al. fail to teach wherein said coated SiC is a CVD-SiC. However, Kumar et al. teach a semiconductor processing component comprising silicon carbide (SiC) impregnated with silicon (Si), wherein an outer surface portion of the component consist of CVD-SiC, and wherein said CVD-SiC is clean (Kumar et al., [0009], [0023] and [0030]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Thilderkvist et al. and Kumar et al. to substitute the coated SiC of Thilderkvist et al. with a CVD-SiC according to the teachings of Kumar et al. because the selection of a known material based on its suitability for its intended use supported a prima facie obviousness. See MPEP 2144.05.

Still, the combined teachings of Thilderkvist et al. and Kumar et al. fail to teach wherein said CVD-SiC has a surface impurity level that is not greater than five times a bulk impurity level. However, the selection of the claimed impurity concentration is obvious because it is a matter of determining optimum process condition by routine experimentation with a limited number of species, and furthermore because both, Thilderkvist et al. and Kumar et al. are directed to a semiconductor component having reduced impurity levels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the combined teachings of Thilderkvist et al. and Kumar et al. to arrive at the claimed invention.

In reference to claims 2, 8, 9, the combined teachings of Thilderkvist et al. and Kumar et al. substantially teach all aspects of the invention but fail to disclose wherein the bulk impurity level is measured at a depth of at least 3  $\mu\text{m}$  from an outer surface of

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the outer surface portion; wherein the CVD-SiC layer has a thickness within a range of about 10 to about 1,000  $\mu\text{m}$ . One of ordinary skill in the art would have been led to the recited dimensions through routine experimentation and optimization. Applicant has not disclosed that the dimensions are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical, and it appears prima facie that the process would possess utility using another dimension. Indeed, it has been held that mere dimensional limitations are prima facie obvious absent a disclosure that the limitations are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical. See, for example, *In re Rose*, 220 F.2d 459, 105 USPQ 237 (CCPA 1955); *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984); *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). See also MPEP 2144.04(IV)(B).

In reference to claims 15-18, the combined teachings of Thilderkvist et al. and Kumar et al. teach wherein contaminants within the semiconductor components include iron (Fe), copper (Cu) and nickel (Ni), for example (Thilderkvist et al., column 2, lines 31 – 45), but fail to teach wherein the bulk impurity level is not greater than  $1 \times 10^{17}$  atoms/ccFe and not greater than  $1 \times 10^{15}$  atoms/ccCr. However, the selection of the impurity level range is obvious because it is a matter of determining optimum process condition by routine experimentation with a limited number of species to obtain a desired surface, and furthermore, because Thilderkvist et al. and Kumar et al. are directed to a semiconductor component having reduced metal impurity levels on its

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surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Thilderkvist et al. in view of Kumar et al. to arrive at the claimed invention.

In reference to claim 21, the combined teachings of Thilderkvist et al. and Kumar et al. teach a non-preferred embodiment of the invention wherein the component is machined prior to treatment to provide said surface impurity level (Kumar et al., [0010]). Although not taught as a preferred embodiment, the combination of Thilderkvist et al. and Kumar et al. teaches this embodiment nonetheless, and disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 169 USPQ 423 (CCPA 1971). "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). Even a teaching away from a claimed invention does not render the invention patentable. See Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998), where the court held that the prior art anticipated the claims even though it taught away from the claimed invention. "The fact that a modem with a single carrier data signal is shown to be less than optimal does not vitiate the fact that it is disclosed." To further clarify, a prior art opinion that a claimed invention is not

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preferred for a particular limited purpose, does not preclude utility of the invention for that or another purpose, or even preferability of the invention for another purpose.

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thilderkvist et al. (U.S. 6,277,194 B1) in view of Kumar et al. (U.S. 2003/0198749 A1) as applied to claims 1, 2, 4-9, 13-19 and 21 above, and further in view of Bosch (U.S. 6,890,861 B1).

The combined teachings of Thilderkvist et al. and Kumar et al. substantially teach all aspects of the invention including forming the semiconductor component using a sintering process (Kumar et al., [0009], [0023] and [0030]), but fail to disclose wherein said components are formed by a CVD process. However, Bosch teaches silicon carbide components or silicon carbide/silicon components such as liners, process tubes, paddles and boats, formed by either sintering and/or CVD processes (column 3, lines 32 – 38). It would have been within the scope of one of ordinary skill in the art to combine the teachings of Thilderkvist et al. and Kumar et al. to enable the components of Thilderkvist et al. and Kumar et al. to be formed according to the teachings of Bosch because one of ordinary skill in the art at the time the invention was made would have been motivated to look to alternative suitable methods of forming the disclosed components of Thilderkvist et al. and Kumar et al. and art recognized suitability for an intended purpose has been recognized to be motivation to combine. MPEP 2144.07.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thilderkvist et al. (U.S. 6,277,194 B1) in view of Kumar et al. (U.S. 2003/0198749 A1)

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as applied to claims 1, 2, 4-9, 13-19 and 21 above, and further in view of Goldstein et al. (U.S. 5,494,439).

The combined teachings of Thilderkvist et al. and Kumar et al. substantially teach all aspects of the invention but fail to disclose wherein the SiC component is a wafer boat. However, Goldstein et al. (Figs.1-3) teach a semiconductor processing component comprising an ultraclean SiC surface, wherein said outer surface portion of the component is free from metal impurities, wherein said surface is cleaner than an interior bulk of said semiconductor component, and wherein said metal impurities comprise aluminum, sodium and iron (column 2, line 47 – column 8, line 7), and wherein said component may include boats, cantilevers, tubes, liners, pedestals and pins (column 3, lines 2 – 4).

It would have been within the scope of one of ordinary skill in the art to combine the teachings of Thilderkvist et al. and Kumar et al. to enable the components of the reaction chamber of Thilderkvist et al. and Kumar et al. according to the teachings of Goldstein et al. because one of ordinary skill in the art at the time the invention was made would have been motivated to look to alternative suitable components in Thilderkvist et al. and Kumar et al. and art recognized suitability for an intended purpose has been recognized to be motivation to combine. MPEP 2144.07.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 2, 4-11 and 13-21 have been considered but are moot in view of the new ground(s) of rejection.



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***Conclusion***


9. Applicants are encouraged, where appropriate, to check Patent Application Information Retrieval (PAIR) (<http://portal.uspto.gov/external/portal/pair>) which provides applicants direct secure access to their own patent application status information, as well as to general patent information publicly available.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Julio J. Maldonado whose telephone number is (571) 272-1864. The examiner can normally be reached on Monday through Friday.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached on (571) 272-1907. The fax number for this group is 571-273-8300. Updates can be found at <http://www.uspto.gov/web/info/2800.htm>.

Julio J. Maldonado  
Patent Examiner  
Art Unit 2823

Julio J. Maldonado  
January 24, 2006

  
George Fourson  
Primary Examiner